

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MARY MAINS; et al.,

Plaintiffs,

v.

VASSALEES; et al.,

Defendants.

3:12-cv-0216-LRH-WGC

ORDER

Before the court is chapter 7 bankruptcy trustee W. Donald Gieseke's ("Gieseke") motion to remand the present action to the United States Bankruptcy Court. Doc. #3.<sup>1</sup> Plaintiff Mary Mains ("Mains") did not file an opposition.

Moving defendant Gieseke is the chapter 7 bankruptcy trustee for Eden Research, LLC, a Nevada limited liability company that filed a chapter 7 petition for bankruptcy in January 2012. As part of this duties as trustee, Gieseke filed a motion to sell assets which was granted by the bankruptcy court in the underlying bankruptcy, BK-N 12-50044. In response Mains filed the present action seeking to stop the sale of the assets which she claims she has an interest in. Thereafter, Gieseke filed the present motion to remand which Mains did not oppose. Doc. #3.

The failure of an opposing party to file points and authorities in response to any

<sup>1</sup> Refers to the court's docket number.

1 motion constitutes a consent to the granting of the motion under LR 7-2(d). On this basis alone, the  
2 court may grant the present motion. However, the court has reviewed the motion and finds that  
3 jurisdiction over the present complaint is with the bankruptcy court. Accordingly, the court shall  
4 grant the motion to remand.

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6 IT IS THEREFORE ORDERED that defendant's motion to remand (Doc. #3) is  
7 GRANTED. The clerk of court shall REMAND this action to the United States Bankruptcy Court  
8 for the District of Nevada.

9 IT IS SO ORDERED.

10 DATED this 5th day of July, 2012.



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13 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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